

UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF WASHINGTON

NEWMONT U.S.A. LIMITED and DAWN  
MINING CO.,

Plaintiff,

vs.

AMERICAN HOME ASSURANCE CO., et  
al.,

Defendants.

NO. CV-09-0033-JLQ

**ORDER RE: DISMISSAL WITH  
PREJUDICE**

BEFORE THE COURT is the joint motion of Plaintiffs and Defendants American Home Assurance Company, Granite State Insurance Company, Insurance Company of the State of Pennsylvania, and National Union Insurance Company of Pittsburgh, PA (ECF. No. 585) requesting a dismissal of Plaintiffs' claims asserted against these Defendants with prejudice and without the award of costs. Pursuant to the stated agreement of the parties, the Joint Motion to Dismiss (**Ct. Rec. 585**) is **GRANTED**. Upon entry of a final judgment, the Plaintiffs' claims asserted in the First Amended Complaint (ECF. No. 241) against American Home Assurance Company, Granite State Insurance Company, Insurance Company of the State of Pennsylvania, and National Union Insurance Company of Pittsburgh, PA, shall be finally DISMISSED with prejudice and without the award of costs. The moving Defendants remain parties to this litigation as cross-claimants or cross-defendants. **IT IS SO ORDERED.**

The Clerk of this court shall enter this Order and forward copies to counsel for all parties.

Dated this 24th day of February, 2011.

s/ Justin L. Quackenbush  
JUSTIN L. QUACKENBUSH  
SENIOR UNITED STATES DISTRICT JUDGE